

## Democratic Amendment to the Republican Substitute

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### **Childhood Vaccines**

The Republican substitute would take complaints about vaccine additives out of the courts and require them to be made through what's called the Federal Vaccine Injury Compensation Program, which handles other vaccine-related claims. This would mean a host of lawsuits could be dismissed, including claims involving the mercury-based preservative, thimerisol, which defendants claim causes autism in children.

The Democratic amendment would strike this provision.

### **SAFETY Act**

The Republican substitute would give the Secretary of the new Department broad authority to designate certain technologies as so-called "qualified anti-terrorism technologies." This designation would entitle the seller of that technology to broad liability protection from any claim arising out of, relating to, or resulting from an act of terrorism, including complete immunity in many cases, no matter how negligent the seller.

It would cap the seller's liability at the limits of its insurance policy.

The Democratic amendment would strike this provision.

### **Screening Company Immunity**

The Republican substitute would extend liability protections to companies that provided passenger and baggage screening in airports.

The Senate debated and rejected this last year in the airline bailout bill, which provided immunity to the airlines—but explicitly and deliberately not to the security screeners. The earlier Gramm-Miller substitute and the Committee-approved legislation also left this provision out.

The baggage screening companies were believed to have violated numerous security regulations that might have prevented the September 11<sup>th</sup> attacks.

The Democratic amendment would strike this provision.

### **Offshore Companies**

An amendment offered by the late Senator Wellstone and accepted by the Senate would have barred companies that have set up offshore tax havens from getting federal homeland security contracts, with the Secretary of the Department retaining the right to waive that prohibition for national security reasons.

The Republican substitute would gut that prohibition by greatly expanding the list of criteria the Secretary can use in granting a waiver beyond national security reasons to include: preventing the loss of U.S. jobs, or preventing the government from incurring additional costs that would otherwise not occur.

A corporation able to escape paying American taxes by setting up a shell headquarters offshore will probably have lower overhead, and will probably be able to offer its goods or services to the government at a lower cost than its competitors.

The Democratic amendment would strike this addition.

### **Federal Advisory Committee Act**

The Republican substitute exempts the new Department's advisory committees from the open meetings requirements of the Federal Advisory Committee Act (FACA).

Agencies throughout government make use of advisory committees that function under these open meetings requirements. Existing law is careful to protect discussions and documents that involve sensitive information. The law currently applies to the Department of Defense, the Department of Justice, the State Department, the National Security Agency, and others.

The Democratic amendment would strike this provision

### **Transportation Security Regulations**

The Republican substitute requires the Transportation Security Oversight Board to ratify within 90 days emergency security regulations issued by the Transportation Security Agency. If the oversight board does not ratify the regulations, they would automatically lapse, despite the TSA having decided that they are necessary. This cumbersome process was inserted to block and delay new airport security measures from going into place.

This provision is contrary to new procedures that the Senate passed just a year ago in the aviation security bill. Under that law, regulations go into effect and remain in effect unless they are affirmatively disapproved by the Board.

The Democratic amendment would strike this provision.

### **Texas A&M**

The Democratic amendment would alter a provision in the substitute bill creating a university-based homeland security research center. Based on the fifteen criteria outlined in the bill, the research center that it would create is described so narrowly that it appears the only place it could exist is at Texas A&M University.

This provision amounts to Congress intervening in science by dictating the location of science work. Science has thrived through peer review and competition over the best proposals—which are fundamentals of federal science policy.

This provision was strongly opposed by the Chairman of the House Science Committee. It has also been roundly criticized by the university community as an inappropriate Congressional intervention in science program selection.

The Democratic amendment strikes the list of highly specific criteria that appears to direct the science center program to a particular university.